

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 GEOFFREY WARD  
Deputy Attorney General  
4 State Bar No. 246437  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2660  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. *2013-333*

11 **KENITA MICHELLE HAWKINS**

**A C C U S A T I O N**

12 **License of Record:**  
13 **1129 E. Central Avenue #213**  
14 **Redlands, CA 92374**

15 **Additional Address:**  
16 **1940 Atlanta Road SE 12**  
**Smyrna, GA 30080**

17 **Registered Nurse License No. 665827**

18 Respondent.

19  
20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., R.N. ("Complainant") brings this Accusation solely in her  
23 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),  
24 Department of Consumer Affairs.

25 2. On or about September 19, 2005, the Board issued Registered Nurse License Number  
26 665827 to Kenita Michelle Hawkins ("Respondent"). The Registered Nurse License expired on  
27 October 31, 2006 and has not been renewed.

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## JURISDICTION AND STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code (all section references are to the Business and Professions Code unless otherwise noted) in pertinent part provides the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. In pertinent part, Section 2764 provides the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811 subdivision (b) the Board may renew an expired license at any time within eight years after the expiration.

5. Section 118 subdivision (b) grants the Board jurisdiction over suspended, expired, forfeited, cancelled, or surrendered licenses:

“The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.”

6. In pertinent part, Section 2761 authorizes the Board to discipline licensees who have been disciplined by another state:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.”

## COST RECOVERY

7. In pertinent part, Section 125.3 provides the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing

1 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
2 case and provides the Board may include those costs in any settlement agreement.

3 **CAUSE FOR DISCIPLINE**

4 **(Disciplinary Action by the Florida Board of Nursing)**

5 8. Respondent is subject to discipline pursuant to Section 2761 subdivision (a)(4) on the  
6 grounds of unprofessional conduct because the Florida Board of Nursing (Florida Board)  
7 reprimanded and suspended her Florida nursing license in 2008 and 2010, as follows:

8 9. On or about September 29, 2008, the Florida Board entered findings of fact, made  
9 conclusions of law, and issued a final order in the disciplinary action entitled *Department of*  
10 *Health v. Kenita Michelle Hawkins*, case number 2007-08382. The Florida Board found  
11 Respondent had failed to meet minimal standards of prevailing nursing practice by repeatedly  
12 falling asleep or passing out while on duty in March 2007, and by exhibiting symptoms  
13 suggestive of intoxication or use of controlled substances at that time. Respondent did not contest  
14 these findings. The Florida Board reprimanded her, ordered her license suspended until she  
15 undertook a substance-abuse evaluation, ordered her to complete remedial coursework, and  
16 ordered her to pay a fine.

17 10. Respondent failed to timely submit proof to the Florida Board she had completed the  
18 coursework required by its 2008 order. As a result, the Florida Board took further disciplinary  
19 action on or about February 17, 2010, ordering her license reprimanded and suspending it until  
20 she fully complied with the 2008 order and paid additional fines and costs.

21 11. Under Section 2761 subdivision (a)(4) the Florida Board's disciplinary actions  
22 reprimanding and suspending Respondent's Florida license in 2008 and 2010 are grounds for the  
23 California Board to take its own disciplinary action.

24 **PRAYER**

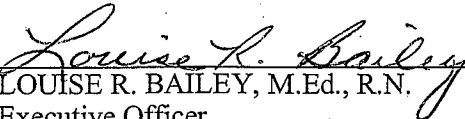
25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
26 and that following the hearing, the Board of Registered Nursing issue a decision:

27 1. Revoking or suspending Registered Nurse License Number 665827, issued to Kenita  
28 Michelle Hawkins;

2. Ordering Kenita Michelle Hawkins to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code Section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: October 25, 2012

  
LOUISE R. BAILEY, M.Ed., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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